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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,920	10/31/2003	Daniel C. Conrad	US19984054-8	3660

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WHIRLPOOL PATENTS COMPANY - MD 0750
500 Renaissance Drive, Suite 102
St. Joseph, MI 49085

EXAMINER

KHAN, AMINA S

ART UNIT PAPER NUMBER

1751

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary	Application No. 10/698,920	Applicant(s) CONRAD ET AL.	
	Examiner Amina Khan	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to methods of cleaning fabrics, classified in class 8, subclass 137.
- II. Claims 14-21, drawn to methods of treating wash liquor and reclaiming waste, classified in class 8, subclass 141.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions and effects. The function of invention I is methods of cleaning fabrics which the function of invention II is methods of reclaiming the wash liquor.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with John Culligan on September 9, 2005 a provisional election was made with traverse to prosecute invention I, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,4,7,8,10,11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 4 are rejected because they only describe properties of compositions without reference to the actual chemical compounds which may comprise the claimed compositions. The court has held that compositions are indefinite for being defined in terms of properties alone. Ex parte Spacht 165 USPQ 409 (PO BdPatApp 1969); Ex parte Slob 157 USPQ 172 (PO BdPatApp 1967); Ex parte Pulvari 157 USPQ 169 (PO BdPatApp 1966).

Claim 7 recites the limitation "described in paragraph 82 of the specification" in line 2. It is improper to refer back to the specification in a claim. The description of the filter should be written into the claim rather than a reference to the specification section in which the description may be found. Appropriate correction of the claim language is required.

Claims 8 and 11 are rejected because they involve the removal of water from the working fluid. In claim 1 the working fluid is defined to be non-aqueous. The source of the water should be identified in these claims. Appropriate correction of the claim language is required.

Claim 10 recites the limitation "of the specified type in paragraph 79 of the specification" in line 2. It is improper to refer back to the specification in a claim. The description of the filter should be written into the claim rather than a reference to the specification section in which the description may be found. Appropriate correction of the claim language is required.

Claim 12 recites "in which the cooling step is avoided". The examiner finds the claim language to be unclear and requests that the applicant clarify what is meant by avoiding the cooling step. Appropriate correction of the claim language is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Pigors (US Patent 3,691,649).

The primary reference of Flynn et al. teaches fabric cleaning compositions comprising perfluorocarbons, perfluoroethers, siloxanes, hydrofluorocarbons, and surfactants with a hydrophilic-lipophylic balance less than 14. The primary reference further teaches methods of cleaning fabrics comprising contacting fabrics with a cleaning composition comprising an alkoxy-substituted perfluoroalkane, agitating to promote dissolving, dispersing or displacing of soil using any conventional agitation

Art Unit: 1751

means, removing the cleaning composition, rinsing using any conventional dry cleaning solvent (as mentioned above) and air drying with or without added heat. The primary reference further teaches that co-solvents may be chosen such that the resulting composition has no flash point (column 8, line 34 to column 9, line 6; column 10, lines 4-18).

The primary reference is silent as to the step of agitating/~~rotating~~ in opposite directions as claimed in claims 1 and 5.

The secondary reference of Pigors in the analogous art of fabric cleaning methods teaches washing drums which rotate in one direction and then in the opposite direction while hot air is directed onto the wash (column 3, lines 24-34; column 2, lines 49-51). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the primary reference by incorporating the agitation means taught by the secondary reference because the primary reference invites the inclusion of "any conventional agitation means" (column 8, lines 56-59). The burden is on the applicant to prove otherwise.

Claims 8,9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Pigors (US Patent 3,691,649) and further in view of Krugmann (US Patent 4,252,546).

The primary references of Flynn and Pigors are relied upon as set forth above. The primary references do not teach methods of filtering solidified water from the working fluid.

The secondary reference of Krugmann teaches methods of filtering out the water fraction of the cleaning solvent by condensing the water to ice crystal and floating the ice to a separating container (column 3 lines 1-10). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the primary references by incorporating the water condensation means taught by the secondary reference because the primary reference of Flynn invites the inclusion of a step in which "displaced water is separated from the liquid composition" (column 9, lines 62-65). The burden is on the applicant to prove otherwise.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Pigors (US Patent 3,691,649) and further in view of De Pas et al. (US Patent 3,163,028).

The primary references of Flynn and Pigors are relied upon as set forth above. The primary references do not teach methods of decreasing the absolute pressure in the chamber as claimed in claim 13.

The secondary reference of De Pas et al. teaches methods of extraction and drying where solvent and solvent vapors are pulled from clothes by a vacuum nozzle controlled by a vacuum blower (column 4, lines 6-8). It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the primary references by incorporating the vacuum blower taught by the secondary reference because the primary reference of Pigors invites the inclusion of drying with a blower (column 2, lines 25-29). The burden is on the applicant to prove otherwise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amina Khan, PhD
Patent Examiner
November 4, 2005



NECHOLUS OGDEN
PRIMARY EXAMINER